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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,077	10/30/2001	Ryo Takajitsuko	FUJI 19.117	9877
26304 7590 01/22/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER AHMED, SALMAN	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/020,077

Applicant(s)

TAKAJITSUKO ET AL.

Examiner

Salman Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-26 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-25 and 31 is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 2-26 and 31 are pending.

Claims 1 and 27-30 are cancelled by the Applicant.

Claims 2-25 and 31 are allowed.

Claim 26 is rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al. (US PAT 6836479, hereinafter Sakamoto) in view of Ho et al. (US PAT

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PUB 2005/0265346, hereinafter Ho), Nagino et al. (US PAT 5732069, hereinafter Nagino) and Pullen et al. (US PAT 6119173, hereinafter Pullen).

In regards to claim 26, Sakamoto teaches a communications apparatus (Figure 1, Packet Communication Device) for switching among different interfaces including a switch unit (Figure 1, core switch 101), the switch unit comprising: a main switch (Figure 21, crossbar switch) for switching data of a fixed length (Cells); and an interface having a first buffer (Figure 21, input buffer 121) for an input of the main switch and a second buffer (Figure 21, output buffers 122) for an output of the main switch.

Sakamoto does not explicitly teach a working system and a passive system, synchronization being implemented between them by passing messages with one another and the passive system receiving message from the working system does not discard the same.

Ho in the same field of endeavor teaches a working system and a passive system (Figure 1 element 900). Ho in the same field of endeavor teaches synchronization being implemented between them by passing different messages with one another and the passive system receiving message from the working system does not discard the same (paragraph 0092).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sakamoto's system by incorporating the steps of having a working system and a passive system as suggested by Ho. The motivation is that (as suggested by Ho, paragraph 0008) a method for dealing with a router failure is to have hardware redundancy in order to increase system availability and by replicating the

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state change, the standby/passive system can reliably and efficiently maintain current sessions for the network device if a failure occurs in the active system (abstract).

Sakamoto and Ho do not explicitly teach signals coming from standby systems are discarded.

Nagino in the same field of endeavor teaches signals coming from standby systems are discarded (column 1 lines 59-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sakamoto and Ho's system by incorporating the steps of signals coming from standby systems being discarded as suggested by Nagino. The motivation is that for reliable processing of communication signal in a redundant system, the signals coming from standby units are discarded, till it becomes active; thus enabling an error free communication.

Sakamoto in view of Ho teaches synchronizing between active and standby systems by replicating or copying control information like current configuration information, global information, routing table information, forwarding table information, protocol session information, or database information (Ho, paragraph 0071).

Sakamoto in view of Ho and Nagino do not explicitly teach control information being flow control information.

Pullen in the same field of endeavor teaches control information being flow control information (column 8 lines 31-33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sakamoto, Ho and Nagino's system by incorporating the

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steps of control information being flow control information as suggested by Pullen. The motivation is that flow control is important control information that is exchanged between devices to prevent buffer overflow, data loss and congestion; thus making the network reliable.

Allowable Subject Matter

4. Claims 2-25 and 31 are allowed.

Response to Arguments

5. Applicant's arguments see pages 8 of the Remarks section, filed 12/11/2007, with respect to 35 USC 112 rejection of claim 26 have been fully considered and are persuasive. 35 USC 112 rejection of claim 26 have been withdrawn. However, Applicant's amendment changed the scope of the said claim and necessitated a new ground of rejection presented in this office action.

Applicant's arguments see pages 9-10 of the Remarks section, filed 12/11/2007, with respect to the rejections of claims 2, 4-6, 8, 9, 11-13, 15-17, 19, 20 and 22-25 have been fully considered and are persuasive.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salman Ahmed whose telephone number is (571) 272-8307. The examiner can normally be reached on 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SA
Salman Ahmed
Examiner
Art Unit 2619
1/16/2007

EDAN . ORGAD
SUPERVISORY PATENT EXAMINER

